

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE.

SHANE K. HOPKINS
Plaintiff.

v.

C/o JOHN PUSEY, ETAL.,
Defendants

Civ. No. 05-870-SLR



COMES NOW PLAINTIFF SHANE K. HOPKINS REQUEST
EXTENTION TO PURSUE DISCOVERY AND APPOINTMENT OF COUNSEL.

AS A PRO SE LITIGANT THE PLAINTIFF REQUESTS THAT THIS
HONORABLE COURT WILL ALLOW SOME LATITUDE WITH REGARD TO THE
PRESENTATION OF THIS MOTION.

- 1) THE PLAINTIFF, AS AN INCARCERATED INMATE IS UNABLE TO
AFFORD COUNSEL. AS A RESULT THE PLAINTIFF FILED THIS COMPLAINT
PRO SE.
- 2) THE PLAINTIFF SHANE K. HOPKINS HIMSELF HAS NO DIRECT
KNOWLEDGE OF CIVIL LAW.
- 3) THE PLAINTIFF HAS PURSUED THIS COMPLAINT WITH THE HELP
OF RONALD PROCTOR #163750. RONALD PROCTOR IS A JAIL HOUSE LAWYER
WHOM THE PLAINTIFF PAID THE SUM OF \$10.00 A MONTH TO GUIDE
THE PLAINTIFF THROUGH EVERY STEP OF THIS PROCESS. (PLEASE
SEE ATTACHMENTS SECTION "A")

4) SINCE AUGUST 2006 THE PLAINTIFF SHANE K. HOPKINS HAS BEEN DENIED ANY COMMUNICATION WITH INMATE RONALD PROCTOR BECAUSE DEPARTMENT OF CORRECTIONS POLICY PROHIBITS ANY INMATE FROM ASSISTING ANOTHER WITH LEGAL ISSUES.

5) UNTILL JANUARY 10TH 2007 RONALD PROCTOR HELD WITHIN HIS POSSESSION DOCUMENTS NEEDED TO FULLY COMPLY WITH THE DEFENSES REQUEST TO DISCLOSE ALL RELEVANT DOCUMENTS FOR DISCOVERY.

6) SINCE AUGUST 2006 THE PLAINTIFF HAS BEEN ATTEMPTING TO MAINTAIN AND PURSUE THIS COMPLAINT WITHOUT DIRECT KNOWLEDGE OF CIVIL LAW.

7) IN SEPTEMBER THE PLAINTIFF ENLISTED THE ASSISTANCE OF JAMES RILEY. JAMES RILEY IS A JAIL HOUSE LAWYER AT THE DELAWARE CORRECTIONAL CENTER. THE PLAINTIFF PAID JAMES RILEY \$15.00 FOR WRITING AND SUBMITTING ALL INTERROGATORIES DIRECTED TOWARDS EACH DEFENDANT.

8) ON SEPTEMBER 16TH 2006 THE PLAINTIFF SHANE K. HOPKINS BECAME THE VICTIM OF A VIOLENT AND VICIOUS ATTACK BY ANOTHER MAXIMUM SECURITY INMATE AFTER BEING LABELED A JAIL HOUSE SWITCH OR INFORMANT BY SEVERAL CORRECTIONAL OFFICERS WHOM ARE CO WORKERS OF THE DEFENDANTS.

9) THE PLAINTIFF WAS TAKEN TO KENT GENERAL HOSPITAL WHERE HE RECIEVED (5) STITCHES TO THE HEAD. (SEE ATTACHMENTS SECTION "B")

10) All of The Plaintiff's Property Was Inventoried And Sent To The Institutional Property Holding Office.

11) The Plaintiff SHANE K. HOPKINS SPENT APPROXIMATELY (7) DAYS HOUSED IN THE INSTITUTIONAL INFIRMARY FOR OBSERVATION.

12) While There The Plaintiff Filed Several Grievances Concerning The Fact That He Was Unjustly Being Held In Maximum Security Housing With Violent Inmates. (SEE ATTACHMENTS SECTION "C")

13) Despite This The Plaintiff Was Returned To The EXACT SAME Housing Unit And Cell Where The Rumors That The Plaintiff Was A Jail House Snitch/Informant Where Disseminated And The Attack Took Place Subjecting The Plaintiff To Constant Fear For His Physical Safety And Future Harassment From Correctional Officers.

14) ON OR ABOUT 10-5-06 The Plaintiff's Property Was Returned To His Possession.

15) The Plaintiff's Legal Materials Where In A Disorganized State And It Took Time To Organize And Comply With The DEFENSES REQUEST FOR PRODUCTION OF DOCUMENTS AND ANSWER THE INTERROGATORIES DIRECTED TO THE PLAINTIFF.

16) During The Plaintiff's Inventory Of Legal Materials He Discerned That Legal Documents Had Been Removed From His Property Hindering His Ability To Continue With The Discovery Process

17) DISPIE DEPARTMENT OF CORRECTIONS POLICY THE PLAINTIFF HAS ATTEMPTED UNSUCCESSFULLY TO OBTAIN COMPETENT ASSISTANCE FROM ANOTHER JAIL HOUSE LAWYER.

18) THE PLAINTIFF SHANE K. HOPKINS IS ATTEMPTING TO TAKE A CRASH COURSE ON CIVIL LAW WITH THE HELP OF BOOKS. WHILE THE PLAINTIFF HAS AN ADEQUATE APTITUDE FOR READING COMPREHENSION THIS PROCESS IS DIFFICULT. THE PLAINTIFF HAS LEARNED MORE ABOUT CIVIL LAW AND THE DISCOVERY PROCESS FROM THE ATTORNEYS FOR THE DEFENSE THEN FROM ANY OTHER SOURCE.

19) THE PLAINTIFF REQUESTS FOR AN EXTENSION OF TIME TO PURSUE DISCOVERY IN ORDER TO ASK SEVERAL MORE INTERROGATORY QUESTIONS, TO DEPOSE THE DEFENDANTS, AND TO DEPOSE AND OBTAIN STATEMENTS FROM INMATE WITNESSES. PROCESSES THAT THE PLAINTIFF WAS NOT EVEN AWARE WHERE AVAILABLE TO HIM UNTILL THE ATTORNEYS FOR THE DEFENSE REQUESTED THEM.

20) THE PLAINTIFF IS NOT SURE HOW COMPETENT HE HIMSELF AS A PRO SE LITIGANT WILL BE PURSUING THIS STAGE OF DISCOVERY. MISTAKES ARE BEING MADE BECAUSE OF THE PLAINTIFFS COMPLETE LACK OF KNOWLEDGE OF CIVIL LAW. MISTAKES THAT COULD BE DETRIMENTAL TO THE PLAINTIFFS CASE.

21) YOUR HONOR STATES IN HER DENIAL FOR APPOINTMENT OF COUNSEL DATED SEPTEMBER 8TH THAT AMONG OTHER FACTORS THE PLAINTIFF IS "ABLE TO ARTICULATE THE ALLEGED FACTS CLEARLY" AND THAT "TO DATE, THE MOTIONS HE HAS FILED EVIDENCE HIS ABILITY

TO UNDERSTAND AND IMPLEMENT THE RULES OF CIVIL PROCEDURE."

22) THE PLAINTIFF IS ABLE TO MAKE HIS OWN THOUGHTS CLEAR TO THE COURT. HOWEVER THE PLAINTIFF HIMSELF IS NOT SURE EXACTLY WHAT THE RULES OF CIVIL PROCEDURE ARE. THE PLAINTIFF IS UNAWARE OF HOW TO RESEARCH AND USE CASE LAWS IN ORDER TO ANSWER MOTIONS FILED BY THE DEFENSE.

23) UNKNOWN TO THE COURT THE PLAINTIFF HAD COMPETENT ASSISTANCE THROUGH EVERY STEP OF THE LEGAL PROCESS UNTILL AUGUST 2006.

24) THEREFORE THE PLAINTIFF REQUESTS THAT THIS HONORABLE COURT RECONSIDER HIS REQUEST FOR APPOINTMENT OF COUNSEL.

25) THE PLAINTIFF REQUESTS THAT THIS CONSIDERATION FOR APPOINTMENT OF COUNSEL BE BASED ON (2) FACTORS.

1) WHETHER THE PLAINTIFFS COMPLAINT HAS MERIT.

2) THE PLAINTIFFS LACK OF KNOWLEDGE WITH REGARD TO CIVIL LAW.

26) IN SUPPORT AND IN EXPLANATION AS TO WHY THE PLAINTIFF SHANE K. HOPKINS BELIEVES THIS COMPLAINT HAS MERIT THE PLAINTIFF OFFERS THE FOLLOWING WITH REGARD TO EACH DEFENDANT.

27) WITH REGARD TO CORRECTIONAL OFFICER JOHN POSEY. THE PLAINTIFF FEELS THAT THERE IS NO REASON TO ELABORATE FURTHER AS TO WHY THIS COMPLAINT WAS BROUGHT AGAINST HIM.

28) With REGARD TO CORRECTIONAL OFFICER JOE SMITH. THE PLAINTIFF FEELS THAT THERE IS NO REASON TO ELABORATE FURTHER AS TO WHY THIS COMPLAINT WAS BROUGHT AGAINST HIM.

29) With REGARD TO DEFENDANT DEPUTY WARDEN DAVID E. PIERCE. THE PLAINTIFF FEELS THAT THE DEPUTY WARDEN WAS MADE AWARE THAT AN ASSAULT AGAINST THE PLAINTIFF HAD TAKEN PLACE THROUGH CORRESPONDENCE, (SEE PLAINTIFFS DOCUMENT PRODUCTION PAGES 29-THRU-33). DEFENDANT DAVID E. PIERCE ORDERED AN INVESTIGATION BUT FAILED TO FOLLOW THROUGH THEREBY COVERING UP THE ABUSE THE PLAINTIFF WAS SUBJECTED TO, (SEE PLAINTIFFS DOCUMENT PRODUCTION PAGE # 16 AND THE NOTATION AT THE TOP OF GRIEVANCE # 9907.). THE DEPUTY WARDEN REFUSED TO FORWARD THE ALLEGATION OF ASSAULT TO THE STATE POLICE FOR INVESTIGATION AND/OR PROSECUTION. THEREFORE THE PLAINTIFF FEELS THAT DAVID E. PIERCE MADE NO ATTEMPT TO RESOLVE THIS ISSUE CONTAINED WITHIN GRIEVANCE # 9907 AS NEEDED IN ORDER FOR THE PLAINTIFF TO EXHAUST ADMINISTRATIVE REMEDIES AFTER THE GRIEVANCE WAS SUMMARILY DISMISSED.

30) With REGARD TO DEFENDANT CORPORAL M. MEARSON DEPARTMENT OF CORRECTIONS GRIEVANCE HEARING BOARD OFFICER THE PLAINTIFF FEELS THAT M. MERSON WAS FULLY AWARE THAT INMATES PLACED WITHIN ISOLATION STATUS DO NOT HAVE ACCESS TO WRITING IMPLEMENTS NEEDED TO APPEAL DISCIPLINARY DECISIONS OR FILE GRIEVANCES WITHIN THE 7 DAY PERIOD AS STATED IN GRIEVANCE # 9907. DEFENDANT M. MERSON SUMMARILY DISMISSED THIS GRIEVANCE WITHOUT CONSIDERATION FOR THE SERIOUSNESS OF THE

CONTENTS WITHIN. SUMMARY DISMISSALS BY THE DEPARTMENT OF CORRECTIONS GRIEVANCE HEARING BOARD WITHOUT PROVIDING APPEAL FORMS EVEN WHEN REQUESTED IS COMMON PRACTICE, (SEE ATTACHMENTS SECTION "C" GRIEVANCES # 75764 - #75763 AND #75753). THE DELIBERATE REFUSAL TO PROVIDE APPEAL FORMS HAS AND WILL CONTINUE TO IMPEDE ANY ATTEMPTS TO RESOLVE ISSUES ADMINISTRATIVELY.

31) WITH REGARD TO THE HONORABLE M. JANE BRADY WHOM WAS AT THE TIME THE ATTORNEY GENERAL OF THE STATE OF DELAWARE. THE PLAINTIFF FEELS THAT AS A INCARCERATED INMATE INCAPABLE OF PICKING UP A TELEPHONE AND REPORTING WHAT THE PLAINTIFF FEELS WAS A CRIME PURPORTEDLY AGAINST HIM THAT THE ATTORNEY GENERAL SHOULD HAVE HAD AN OBLIGATION TO INVESTIGATE THIS REPORT OF ASSAULT. WHEN SHE DID NOT DO SO IT WAS THE SAME AS AUTHORIZING AND CONDONING THIS AND FUTURE ACTS OF ABUSE BY CORRECTIONAL OFFICERS.

32) WITH REGARD TO DREWRY NASH FENNEL AND JUDITH MULLEN DIRECTORS OF THE AMERICAN CIVIL LIBERTIES UNION THE PLAINTIFF HIMSELF FEELS THAT THE A.C.L.U. DEFENDANTS RECIEVE SUCH A MAGNITUDE OF REPORTS CONCERNING PHYSICAL ABUSE AGAINST INMATES WITHIN THE DELAWARE CORRECTIONAL SYSTEM THAT THEY SHOULD HAVE TAKEN ACTION. WHILE THE A.C.L.U. HAS NO OBLIGATION TO DO SO, TAKING SO MANY REPORTS BY UNREPRESENTED INMATES CONCERNING CLAIMS OF CIVIL RIGHTS VIOLATIONS WITHOUT ADDRESSING THEM BECAUSE OF THE COMPLEXITY OF THE PROBLEM IS THE SAME AS NOT ONLY CONDONING THESE REPORTS BUT CONSPIRING TO CONCEAL THEM WITH THE DEPARTMENT OF CORRECTIONS.

33) FINALLY THE PLAINTIFF WOULD LIKE TO STATE THAT AS HE DOES NOT KNOW CIVIL LAW, THE PLAINTIFF IS UNAWARE IF THERE IS ANY BASIS TO SUPPORT ALL ASPECTS WITHIN THE COMPLAINT.

Shane Hopkins

SHANE K. Hopkins

253918

1181 Paddock Rd.

SMYRNA DELAWARE

19977

DATED: JANUARY 31ST 2007

Certificate of Service

I, SHANE K. HOPKINS, hereby certify that I have served a true and correct cop(ies) of the attached: 'MOTION FOR TIME EXTENSION TO PURSUE DISCOVERY AND APPOINTMENT OF COUNSEL' upon the following parties/person (s):

TO: STACEY XARHOULAKOS
DEPUTY ATTORNEY GENERAL
DEPARTMENT OF JUSTICE
820 N. FRENCH STREET 6TH FLOOR
WILMINGTON DELAWARE

TO: _____

TO: JOHN W. SHAW
THE BRAUDYLINE BUILDING
1000 WEST STREET 17TH FLOOR
WILMINGTON DELAWARE

TO: _____

BY PLACING SAME IN A SEALED ENVELOPE and depositing same in the United States Mail at the Delaware Correctional Center, Smyrna, DE 19977.

On this 6TH day of FEBRUARY, 2007

Shane Hopkins

IM SHANE HOPKINS
SBI# 253416 UNIT #22
DELAWARE CORRECTIONAL CENTER
1181 PADDOCK ROAD
SMYRNA, DELAWARE 19977



OFFICE OF THE CLERK
UNITED STATES DISTRICT COURT
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Wilmington, DELAWARE
19801

LEGAL MAIL
MAILED 2-6-07

